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Douglas Faulkner
Civ. Pers.



DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-186549

DATE: March 7, 1977

**MATTER OF: Gerald R. Adams - Temporary Quarters and
Subsistence Allowance**

DIGEST: Transferred employee occupied, at no cost, temporary Government-owned quarters while awaiting the arrival of his household goods for a period in excess of that authorized on his travel orders. He may be reimbursed if he requests, or has already requested, an extension of the limitation contained in his orders, and if the newly extended period would be consistent with agency practice. Language in FTR para. 2-5.2c referring to quarters obtained from private or commercial sources was not intended to eliminate Government-owned quarters from use as temporary quarters.

This matter is in response to a request for an advance decision dated May 10, 1976, that was submitted by Mr. Willis H. Staley, an authorized certifying officer of the Department of the Interior, Bureau of Reclamation, concerning the authority for reimbursing Mr. Gerald R. Adams for certain subsistence expenses incurred while occupying temporary quarters at the time of his transfer.

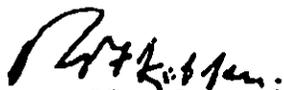
Under the authority of Travel Authorization No. E9719 dated December 5, 1975, Mr. Adams was transferred from Fallon, Nevada, to Fort Smith, Montana. On his travel orders Mr. Adams was authorized temporary quarters and subsistence expenses for up to 5 days. Mr. Adams and his family occupied two different sets of Government-owned temporary quarters from the time of their arrival at the new duty station on January 2, 1976, until the arrival of their household goods on January 16, 1976. These quarters were supplied to Mr. Adams at no cost, and he is claiming only subsistence expenses. The certifying officer expresses doubt regarding payment of Mr. Adams' claim because of the language of Federal Travel Regulations, FPMR 101-7 (May 1973), para. 2-5.2c which states that " * * * 'temporary quarters' refers to any lodging obtained from private or commercial sources to be occupied temporarily * * *" and because Mr. Adams exceeded the 5-day limitation contained in his travel orders.

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We note that the claim forwarded with the submission seeks reimbursement only through January 6, 1976, the period authorized in the travel orders. There is nothing in the record to indicate that Mr. Adams ever requested an extension of his temporary quarters authorization. In B-184025, June 3, 1976, we considered a similar problem, and held that where a transferred employee requested an extension of the period for his temporary quarters allowance, which was orally approved, but the paperwork got lost, the extension could be approved ex post facto where it was agency policy to authorize the maximum allowance for temporary quarters. Therefore, if Mr. Smith submits an appropriate claim and either requests, or has already requested, an approp. late extension, that extension may be approved in the resulting authorization would still be in accord with agency policy.

We have also considered the meaning of the above-quoted language regarding the source of the temporary quarters. In B-185508, September 2, 1976, 55 Comp. Gen. _____ (1976), we held that the quoted phrase was not intended to be restrictive, but was intended to allow employees greater flexibility in choosing their temporary quarters, even if it means using Government-owned quarters. Therefore, Mr. Adams may be reimbursed for subsistence expenses while occupying Government-owned temporary quarters.

Accordingly, the voucher may be certified in accordance with this decision if otherwise proper.


Acting Comptroller General
of the United States